

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

**JEREMY ZIELINSKI, TRAVIS HUDSON, BRUCE  
MOSES, OSCAR NUNEZ, JEAN MARC DESMARAT,  
AND DAVID HAIGH, *on behalf of themselves and all  
others similarly situated,***

**Plaintiffs,**

**v.**

**NEW YORK DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION; ACTING  
COMMISSIONER DANIEL F. MARTUSCELLO III, *in  
his official capacity*; SUPERINTENDENT DAVID  
HOWARD, *in his official capacity*; and DEPUTY  
SUPERINTENDENT FOR PROGRAM SERVICES  
DANIELLE GLEBOCKI, *in her official capacity***

**Defendants.**

No. 9:24-cv-450 (GTS/CFH)

**REQUEST FOR EMERGENCY  
RELIEF**

**PLAINTIFFS' EMERGENCY MOTION FOR INJUNCTIVE RELIEF**  
**UNDER FED. R. CIV. P. 65**

Pursuant to Fed. R. Civ. P. 65 and 23, Plaintiffs move on behalf of themselves and all others similarly situated for immediate injunctive relief under Religious Land Use And Institutionalized Persons Act (“RLUIPA”) and 42 U.S.C. § 1983, to enjoin the New York Department of Corrections and Community Supervision (“DOCCS”) from enforcing its March 11, 2024 Lockdown Memo. Plaintiffs respectfully request that this Court grant this Motion and enter immediate injunctive relief under Fed. R. Civ. P. 65, ordering DOCCS to **(A)** rescind its Lockdown Memo; **(B)** inform all persons within its control that the Lockdown Memo has been rescinded and that they may congregate and view the eclipse if they articulate sincerely held religious beliefs that observing the eclipse is a part of practicing their religion; **(C)** allow Plaintiffs and others similarly situated to congregate and observe the eclipse; and **(D)** provide eclipse glasses to those who are viewing the eclipse, for the limited time in which the eclipse is scheduled to occur at their respective facilities.

Dated: March 29, 2024

New York, New York

/s/ Christopher L. McArdle

Christopher L. McArdle, Esq.  
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Similarly Situated*

**Certificate of Service**

I, Madeline E. Byrd, hereby certify that on Friday, March 29, 2024, counsel for Plaintiffs caused this motion to be served on the DOCCS Office of Counsel.

*/s/ Madeline E. Byrd*

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Madeline E. Byrd

**Certificate of Conference**

I, Madeline E. Byrd, hereby certify that counsel for Plaintiffs called the DOCCS Office of Counsel on Thursday, March 28, 2024 to inform the agency that Plaintiffs would be filing the Complaint and Emergency Motion for Injunctive Relief on Friday, March 29, 2024. The phone operator at DOCCS requested counsel to email the notice. Counsel for Plaintiffs sent the email on Thursday, March 28, 2024 and, as of 11:41 am on March 29, 2024, has not heard back.

*/s/ Madeline E. Byrd*

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Madeline E. Byrd